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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Jeri L. Callaway et al.

Confirmation No.: 8443

Application No.: 10/038,202

Examiner: Pitaro, Ryan F.

Filing Date: December 21, 2001

Group Art Unit: 2174

Title: SYSTEM AND APPARATUS FOR MANAGING PERSONAL AND WORK-RELATED MATTERS

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Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on March 28, 2008.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

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<u>April 30, 2008</u>	<u>/W. Allen Powell/</u>
Date	W. Allen Powell

**REPLY BRIEF PURSUANT TO 37 C.F.R. §41.41 AND IN
RESPONSE TO THE EXAMINER'S ANSWER MAILED MARCH 28, 2008**

This Reply Brief is being filed pursuant to 37 C.F.R. §41.41 and in response to the Examiner's Answer mailed on March 28, 2008. Specifically, this Reply Brief addresses the Examiner's continuing pattern of misinterpretation of Raff, U.S. Patent No. 6,785,868 (hereinafter "Raff"), Gotou, U.S. Patent No. 6,020,828 (hereinafter "Gotou"), Edwards et al., U.S. Application No. 2002/0078379 (hereinafter "Edwards") and the pending claims. However, in the interest of brevity, Appellants address below only those issues or arguments raised by the Examiner's Answer that are particularly noteworthy. In view of Appellants' attempt to avoid repetition in this Reply, Appellants respectfully request that the Board consider Appellants' complete arguments set forth in the previously filed Appeal Brief.

REMARKS

In the Examiner's Answer, the Examiner asserted that claims 1-2, 4-6, 8-16, 18-22, 24 and 44-47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Raff in view of Gotou. The Examiner asserted that claims 7 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Raff and Gotou in view of Edwards. The Examiner asserted that claims 25-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Raff in view of Edwards. The Examiner asserted that claims 48-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Raff in view of Edwards and further in view of Gotou.

Appellants note that a substantial portion of the Examiner's Answer is merely a restatement of the basic position set forth by the Examiner in the Final Office Action mailed October 17, 2006. Indeed, the initial portion of the Examiner's Answer is apparently identical to the text from the Final Office Action. Accordingly, the arguments set forth by the Appellants on pages 9-21 of the Appeal Brief, which addressed the Examiner's arguments in the Final Office Action, remain pertinent.

In addition to the restatement of the rejections, the Examiner provided additional commentary in a Response to Argument section. Specifically, the Examiner stated, in pertinent part:

The Appellant argues that the cited prior art, namely Raff and Gotou fail to disclose or suggest (1) "distinct work related and family related calendars or (2) a merged calendar of work related matters and family related matters where such matters are distinguished by icons". The Examiner disagrees, since the claims do not specifically state "distinct" calendars as argued by the Appellant, but rather a calendar that corresponds to family related matter and work related. Raff teaches just that, while the calendar may contain information more than just work information, it does contain work related matters which is not prohibited by the current claim language. Furthermore, work and family related matters are merely headings given to 2 separate calendar and are simply non-functional descriptive

material. When looking at the functionality of the present invention it simplistically breaks down to two separate calendars, each with its own set of data entries, merging the calendars together, and depicting each calendar's information with an icon. Raff teaches this exact functionality, see figures 15-17 for a quick overview, with the exception of graphical icons which Gotou teaches.

The Appellant argues that a barrier is implemented to ensure each calendar's information does not cross. Again when viewing the claimed limitations as functional material, the invention separates the two calendars with a barrier like the calendar database as seen in Figure 15 of Raff i.e. child 1, child 2, wife, and unfilled. Functionally speaking the disclosure is very similar to that of the present invention, and the names of the categories can be adapted to work and personal without affecting the functionality whatsoever. The same argument applies for allocating each device with a specific calendar.

The Appellant argues the icon shapes and that the shapes do not resemble a house or office, even though the cited reference Gotou states the icons depicted are those of a home and an office. While the shapes may not resemble a house or an office to the Appellant, the Examiner agrees with Gotou's disclosure that the buildings depicted resemble a home and an office.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, a private network as suggested by the Appellant increases security. Increased security especially with in a wireless network is important and would not greatly reduce or eliminate the type of sharing of Raff, but simply make the sharing more secure

Independent Claims 1, 13, and 25

In contrast to the Examiner's assertion, Raff clearly does not disclose distinct work-related and family-related calendars. Turning to the claims, claims 1, 13 and 25 recite, *inter alia*, a device or system for managing a combination of family-related matters and work-related matters comprising a calendaring program "adapted to provide at least one calendar corresponding to family-related matters, [and] at least one calendar corresponding to work-related matters" Clearly, one of ordinary skill in the art would find that the claims include two distinct calendars, one family-related and one work-related. Indeed, anyone, whether skilled in the art or not, would read this phrase as discussing two separate or distinct calendars. In fact, in his answer, the Examiner first stated that the calendars are not distinct then later explained that when looking at "the present invention it simplistically breaks down to two separate calendars" (Emphasis added.) The Examiner's argument is inconsistent at best, because the terms "distinct" and "separate" are synonyms under anyone's definition, including those skilled in the art. Moreover, unlike the present application, the calendars disclosed by Raff contain items that relate both to family matters and work matters. For example, Appellants note that the "individual" calendar in Raff contains both personal information, such as "GET JOHN PRESENT," and work-related information, such as "LUNCH PROPOSAL FOR ADM'S REVIEW." Raff, Fig. 10A; col. 10, lines 31-33, 49-52. Thus, Raff clearly does not disclose separate calendars for family-related and work-related matters. Accordingly, the Examiner has not met the burden of establishing a *prima facie* case of obviousness with respect to independent claims 1, 13 and 25.

Additionally, in the Examiner's Answer, the Examiner stated that the work-related and family-related matters are merely headings and are simply non-functional descriptive material. Thus, the Examiner's position appears to be that those features should not be given patentable weight. Further, the Examiner argued that Raff teaches the same functionality as that of the present claim features.

Appellants reference MPEP §2173.05(g), which states, “A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. A functional limitation is often used in association with an element, ingredient, or step of a process to define a particular capability or purpose that is served by the recited element, ingredient or step.” (Emphasis added.) The instant application, however, is directed to a method for management of one’s family-related and work-related matters. Distinct “work-related” and “family-related” calendars may “provide the family manager with a dual access tool that provides a separation as well as a quick and smooth transition between work-related information and personal-related information.” Application, page 11, lines 15-17. Clearly, the distinct terms “work-related” and “family-related” are used to define a particular capability served by the calendaring program element. Therefore, the Examiner’s assertion that the terms are “merely headings” is erroneous, as the functional terms provide a limitation to the calendaring program of claims 1, 13 and 25.

In view of the foregoing discussion, the Appellants respectfully request that the Board reverse the Examiner’s rejection of claims 1, 13 and 25, as well as the rejection of all claims depending therefrom.

Claims 9 and 20

With respect to claims 9 and 20, the cited references, alone or in combination, do not teach, disclose, or suggest “a barrier to separate the work-related matters from the family related matters.” As discussed above, the MPEP states that functionally limiting terms must be given patentable weight. In the instant claims, the barrier is a functional limitation of the host computer element because it serves the purpose of separating the two calendars to ensure that entities from the work sphere cannot access information relating to family matters and vice-versa. *See* Application, page 15, lines 5-13. In contrast, the cited references fail to disclose any barrier between work and family matters. For example, Figure 15 of the Raff reference clearly discloses calendars that only include both work-related and family-related information. In view of this,

Appellants are puzzled as to how the Examiner can rely on such disclosure to show a “barrier” between the work-related and family-related matter as recited by claims 9 and 20. Moreover, the Gotou reference fails to obviate this clear deficiency in Raff. In view of the foregoing discussion, the Appellants respectfully request the Board reverse the Examiner’s rejection of claims 9 and 20.

Claims 45 and 46

With respect to claims 45 and 46, Gotou does not disclose an icon that resembles a house and an icon that resembles an office building. In fact, contrary to the Examiner’s assertion, the icons in Gotou are arbitrary geometric shapes that are described as indicating information such as “the user’s friend A” or “the office.” Upon inspection of the Gotou specification and corresponding Figure 1, it is clear that icon #2 merely resembles a triangle, not a friend, just as icon #3 merely resembles a rectangle, not an office. *See* Gotou, col. 3, lines 4-11. Further, simply because a reference may state that a particular shaped icon, such as a triangle, corresponds to friend A, does not mean that the icon, in fact, resembles friend A. The same logic applies to the rectangle icon associated with the office. Accordingly, the Examiner’s interpretation of claims 45 and 46 and Gotou is plainly mistaken. In view of the foregoing discussion, the Appellants respectfully request the Board reverse the Examiner’s rejection of claims 45 and 46.

Lack of Objective Evidence of Reasons to Combine – claims 7, 17, 25-32 and 48-50

The Examiner continues to fail to provide sufficient suggestion or motivation to support the combination of Raff and Gotou with Edwards. The Edwards reference pertains to providing increased security when accessing a private network, whereas the Raff reference discloses a system for sharing and viewing multiple schedules. Specifically, the Raff reference addresses ways to synchronize and view shared scheduling information, including public events such as a sporting event, conference or concert. *See, e.g.*, Raff, col. 1, lines 12-15; col. 9, line 63-col. 10, line 6. In fact, the restricted access of the Edwards reference would greatly reduce, or eliminate, the type of sharing disclosed by Raff. Accordingly, nothing in Edwards or Raff suggests the

motivation to combine a method for accessing private network with a system for viewing shared schedules on a server. Thus, Raff actually teaches the restricted private network of Edwards, which requires authorization to gain access.

Moreover, with respect to independent claim 25, even if the Raff system could be modified to include a private host computer in addition to a public host computer, there is absolutely no teaching in either reference to suggest a system where “work-related matters” and “work devices” are maintained separately from “family-related matters” and “family devices” by distinct private and public host computers, as recited by claim 25. Indeed, while the Raff reference discloses the use of a public host computer to share calendars, in the Raff system, all user calendar information is maintained by the public host computer. See Raff, col. 12, lines 1-10; Fig. 13. Raff notes that “[a]fter synchronization, the two databases [of calendar information] will contain the same information.” *Id.* at column 8, lines 63-64. Claim 25, on the other hand, states specifically that the “work-related” matters are maintained by the “private host computer,” as contrasted with the “family-related” matters maintained by the “public host computer.” Thus, for at least this reason, the hypothetical combination suggested by the Examiner does not disclose all of the features of independent claim 25. Accordingly, the Examiner has not met the burden of establishing a *prima facie* case of obviousness with respect to independent claim 25.

In view of the foregoing discussion, the Appellants respectfully request the Board reverse the rejection of claims 7, 17, 25-32 and 48-50.

Conclusion

The foregoing are reiterative or supplemental points regarding the reasons why the pending claims are allowable. Appellants rely upon the present arguments in addition to all of the reasons advanced in the Appeal Brief, and respectfully request that the Board carefully review the claims in view of these arguments and overturn the Examiner's rejection.

Respectfully submitted,

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